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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,678	06/25/2003	Michio Seki	04329.3081	1969
22852	7590	07/11/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	
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			07/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/602,678

**Applicant(s)**

SEKI ET AL.

**Examiner**

DUSTIN NGUYEN

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9 and 14-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 8,9 and 14-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 8, 9 and 14-16 are presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 04/22/2008 have been fully considered but they are not persuasive.
3. As per remarks, Applicants' argued that (1) Nishikawa fails to disclose "a server apparatus comprising: a network process unit ... and an AV function unit ...".
4. As to point (1), Nishikawa discloses an AV system server 22 including communication unit 50 for connecting controller 42 or mobile terminal 40 to TV 26 or VCR 28 [ i.e. a server apparatus comprising a network process unit ] [ Figures 1 and 2; and paragraphs 0034, 0051, and 0054 ]. In addition, Nishikawa discloses the AV system server 22 including an appliance selector for selecting appliance and an AV system control table 100 describing the function inside the AV system network 20 for controlling appliance [ i.e. AV function unit configured to process video and sound data ] [ Figures 2 and 3; and paragraphs 0034, 0040-0044; and 0051 ]. Furthermore, in response to applicant's arguments, the recitation a server apparatus has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the

intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. [ US Patent Application No 2002/0062392 ], in view of Takenada et al. [ US Patent No 6,772,354 ], and further in view of Noda et al. [ US Patent No 7,179,267 ].

7. As per claim 8, Nishikawa discloses the invention as claimed including a server apparatus [ i.e. AV system network ] [ 20, Figure 1; and paragraphs 0029 and 0030 ] comprising:

a network process unit configured to connect an electronic apparatus [ i.e. communication controller ] [ 50, Figure 2; and paragraph 0034 ], which transmits/receives data via a first network, to a second network through the server apparatus [ i.e. backbone system network and AV system network ] [ 12, 24, Figure 1; and paragraphs 0039 and 0054 ]; and

an AV function unit configured to process video data and sound data [ i.e. TV, VCR ] [ 26, 28, Figure 1; and paragraphs 0030 and 0031 ].

Nishikawa does not specifically disclose

the network processing unit returning a communication packet containing a command indicating a current status of the AV function unit, when the network process unit receives, from the electronic apparatus, a communication packet containing a command to check the current status of the AV function unit.

Takenada discloses

the network processing unit returning a communication packet containing a command indicating a current status of the AV function unit, when the network process unit receives, from the electronic apparatus, a communication packet containing a command to check the current status of the AV function unit [ i.e. power status command to request a target to report the power supply status ] [ Figures 30 and 31; and col 33, lines 46-col 34, lines 16 ].

Nishikawa and Takenada do not specifically disclose

switching an operation of the AV function unit between a normal operation mode and a standby mode serving to reduce power consumption, when the network process unit receives, from the electronic apparatus, a communication packet containing a command requesting that the operation of the AV function unit be changed.

Noda discloses

switching an operation of the AV function unit between a normal operation mode and a standby mode serving to reduce power consumption, when the network process unit receives, from the electronic apparatus, a communication packet containing a command requesting that the

operation of the AV function unit be changed [ i.e. send a power control command for power on/off control ] [ Figure 32; col 6, lines 37-39; and col 35, lines 28-col 36, lines 25 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Nishikawa, Takenada and Noda because the teaching of Takenada and Noda would enable to control and maintain status of devices by using control commands.

8. As per claim 9, Nishikawa does not specifically disclose wherein, upon switching of operation of the AV function unit, the network process unit notifies the electronic apparatus that the operation of the AV function unit has been switched. Takenada discloses wherein, upon switching of operation of the AV function unit, the network process unit notifies the electronic apparatus that the operation of the AV function unit has been switched [ i.e. notify of status change ] [ col 25, 35-50; ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Nishikawa, and Takenada because the teaching of Takenada would enable to control and maintain status of devices by using control commands.

9. As per claim 14, it is rejected for similar reasons as stated above in claim 1. Furthermore, Nishikawa does not specifically disclose the network process unit including a detecting unit configured to detect a power supply control packet in communication packets sent from the electronic apparatus. Takenada discloses the network process unit including a detecting unit configured to detect a power supply control packet in communication packets sent from the electronic apparatus [ i.e. detect nodes connect to bus ] [ col 29, lines 25-34; and col 33, lines 46-col 34, lines 16 ]. It would have been obvious to a person skill in the art at the time the invention

was made to combine the teaching of Nishikawa, and Takenada because the teaching of Takenada would enable to control and maintain status of devices by using control commands.

10. As per claim 15, Takenada discloses an embedded controller configured to control power supply to the AV function unit for interrupting the power supply; and an up/down signal line which is arranged between the network process unit and the embedded controller, the controlling unit of the network process unit outputting an up/down signal providing an instruction to supply power to the AV function unit or to interrupt the power supply on the up/down signal line [ i.e. controlling power supply status of a plurality of electronic devices ] [ Figure 9; Abstract; col 1, lines 14-17; and col 17, lines 31-38 ].

11. As per claim 16, Takenada discloses a status signal line which is arranged between the network process unit and the embedded controller, the embedded controller being configured to output a status signal indicating a status of the AV function unit on the status signal line [ Figure 2; and col 6, lines 61-col 7, lines 5 ].

12. Applicant's arguments with respect to claims 8, 9, 14-16 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/  
Primary Examiner, Art Unit 2154